

# Notice of Allowability

Application No.

09/639,879

Examiner

Eric B. Kiss

Applicant(s)

SHIBUYA, TOSHIYUKI

Art Unit

2192

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed February 22, 2006.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7,8,10-18,20-28,30,31 and 33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**

### DETAILED ACTION

1. The reply filed February 22, 2006, has been received and entered. Claims 1, 2, 4, 5, 7, 8, 10-18, 20-28, 30, 31, and 33 are pending.

### *Allowable Subject Matter*

2. Claims 1, 2, 4, 5, 7, 8, 10-18, 20-28, 30, 31, and 33 are allowed.

3. The following is an examiner's statement of reasons for allowance:

In the Office action mailed December 16, 2005, the examiner indicated that claim 33 was allowed. (Non-final Rejection (12/16/2005) § 7.) The examiner further indicated that claims 3, 9, 19, and 29 were objected to as being dependent upon a rejected bases claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (*Id.* § 8.) In response, applicant has rewritten objected-to claims 3, 9, 19, and 29 in independent form consistent with the indication of allowability. (Remarks (02/22/2006) p. 11; Claims 1, 5, 15, and 22 (02/22/2006).) Applicant has further cancelled rejected claims 32 and 34. (Remarks p. 11.)

Applicant has noted,

[I]n the present invention, the checksum comparison is used to ensure that all of the programs necessary for the new function are rebooted back into the program execution area. That is, the new main program, new application program(s), and any existing application program(s) copied into the program storage from the program execution area from the previous function programming and which are necessary for the new function, will be sequentially rebooted into the program execution area until the two checksums agree. The prior art of record fails to teach or suggest this use of a checksum comparison.

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(Remarks (07/14/2005) p. 15.) This functionality is present in independent claims 1, 5, 15, 22, and 33, which require, *inter alia*, that the to-be-used program be transferred to the program executing area from the program storage area if a checksum of the program storage area is not coincident with a checksum of the program executing area. (Claims 1, 5, 15, 22, and 33 (02/22/2006).) The prior art of record fails to teach or fairly suggest this specific checksum comparison in the context of the program transferring scheme prescribed by the independent claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

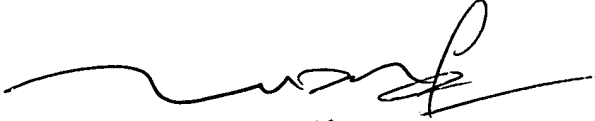
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:  
571-272-2100.

EBK / *EBK*  
June 8, 2006

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER